

DAILY DIGEST

Vol. 17, No. 243

December 18, 1998

**Before an entry denotes that the item is part of the FCC's implementation of the 1996 Telecom Act. While we will attempt to flag all Telecom Act-related items, this marking is unofficial and informational only.

* * * * *

The following items were adopted at the December 17, 1998, Commission meeting and released later that day.

NEWS RELEASES

FCC ADOPTS NEW ANTI-SLAMMING RULES AND UNVEILS FURTHER MEASURES TO PROTECT CONSUMERS FROM PHONE FRAUD; SLAMMED CONSUMERS RELIEVED FROM PAYING PHONE CHARGES. The FCC adopted new rules that will relieve consumers who have had their telephone service provider changed without their consent, a practice known as "slamming," from paying charges imposed by the unauthorized carrier for up to 30 days after being slammed. News media contact: Rochelle Cohen at (202) 418-0253, Common Carrier Bureau contact: Anita Cheng at (202) 418-0996, TTY (202) 418-2555. Report No: CC 98-45. by Second R&O & FNPRM. Action by: the Commission. Adopted: December 17, 1998. Dkt No.: CC- 94-129. (FCC No. 98-334) CCB. Internet URL:

https://www.fcc.gov/Bureaus/Common_Carrier/News_Releases/1998/nrcc8096.wp

FCC ADOPTS FIFTH ANNUAL REPORT ON COMPETITION IN VIDEO MARKETS. The FCC has adopted its fifth annual report on competition in markets for the delivery of video programming. This Report will be submitted to Congress in accordance with Sect. 628(g) of the Communications Act.. Report No: CS 98-18. by Report. Action by: the Commission. Adopted: December 17, 1998. Dkt No.: CS- 98-102. (FCC No. 98-335) CSB. Internet URL: https://www.fcc.gov/Bureaus/Cable/News_Releases/1998/nrcb8024.html

FCC ADOPTS SPECTRUM PLAN FOR "V" BAND AT 36.0-51.4 GHZ, FACILITATING DEVELOPMENT OF BROADBAND AND OTHER COMMERCIAL SERVICES. The FCC adopted a spectrum band plan that will promote the commercial development of the V-band at 36.0-51.4 GHz. The band plan will facilitate the prompt and efficient deployment of new broadband wireless services (both satellite and terrestrial) in spectrum that is now largely underdeveloped. News Media contact: Rosemary Kimball at (202) 418-0500, International Bureau contact: Charles Breig at (202) 418-2156, TTY (202) 418-2555. Report No: IN 98-70. by R&O. Action by: the Commission. Adopted: December 17, 1998. Dkt No.: IB- 97-95. (FCC No. 98-336) IB. Internet URL: https://www.fcc.gov/Bureaus/International/News_Releases/1998/nrin8044.wp

FCC STREAMLINES EQUIPMENT APPROVAL PROCEDURES TO INCREASE SPEED TO MARKET AND REDUCE BARRIERS TO INTERNATIONAL TRADE. As part of its biennial review of its rules and processes, the FCC has modified its authorization rules for devices that emit radio frequency energy and for terminal equipment that may be attached to the telecommunications network. News Media contact: Audrey Spivack at (202) 418-0500, Office of Engineering and Technology contact: Hugh L. Van Tuyl (202) 418-7506, Common Carrier Bureau contact: Vincent M. Paladini at (202) 418-2332, International Bureau contact: Tracey Weisler at (202) 418-0744. Report No: GN 98-13. by R&O. Action by: the Commission. Adopted: December 17, 1998. Dkt No.: GN- 98-68. (FCC No. 98-338) OET. Internet URL:

https://www.fcc.gov/Bureaus/Engineering_Technology/News_Releases/1998/nret8020.wp

FCC PROPOSES TO ALLOCATE THE 3650-3700 MHZ BAND FOR FIXED SERVICES; FREEZES NEW OR MAJOR MODIFIED EARTH STATION APPLICATIONS. The FCC proposed to allocate the 3650-3700 MHz frequency band for the fixed service on a primary basis. This spectrum is being transferred from the NTIA to the FCC on a mixed-use basis, effective January, 1999. News Media contact: Meribeth McCarrick at (202) 418-0654, Office of Engineering and Technology contact: Tom Mooring at (202) 418-2450. Report No: ET 98-12. by NPRM. Action by: the Commission. Adopted: December 17, 1998. Dkt No.: ET- 98-237. (FCC No. 98-337) OET. Internet URL:

https://www.fcc.gov/Bureaus/Engineering_Technology/News_Releases/1998/nret8019.html

* * * * *

The following items are dated for and released on December 18, 1998:

NEWS RELEASES

FCC FILINGS. OPA. Internet URL: <https://www.fcc.gov/Bureaus/Miscellaneous/Filings/fl981211.html>

CALENDAR OF EVENTS. OPA. Internet URL:

<https://www.fcc.gov/Bureaus/Miscellaneous/Calendar/c1981211.html>

OPEN PROCEEDINGS. Contact: Martha Contee at (202) 418-0260. OPA. Internet URL:

https://www.fcc.gov/Bureaus/Miscellaneous/Open_Proceedings/op981211.html

AMATEUR STATION SEQUENTIALLY ASSIGNED CALL SIGNS. Contact: FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245 or by e-mail to FCCITD@fcc.gov.. WTB. Internet URL:

https://www.fcc.gov/Bureaus/Wireless/News_Releases/1998/nrwl8050.wp

TEXTS

ADVANCED TV SYSTEMS AND THEIR IMPACT UPON EXISTING TV BROADCAST SERVICE.

Generally reaffirmed DTV eligibility and allotment policies, however, revised and clarified certain of DTV allotment policies in response to petitioners' requests. Dkt No.: 87-268. Action by the Commission. Adopted: November 24, 1998. by MO&O & Rs&Os. (FCC No. 98-315). MMB Internet URL:

https://www.fcc.gov/Bureaus/Mass_Media/Orders/1998/fcc98315.pdf

AMENDMENT OF THE FCC'S RULES WITH REGARD TO THE 3650-3700 MHZ GOVERNMENT TRANSFER BAND. FCC proposes to allocate the 3650-3700 MHz band for fixed services; freezes new or major modified earth station applications. Dkt No.: ET- 98-237. Action by the Commission. Adopted: December 17, 1998. by NPRM. (FCC No. 98-337). OET Internet URL:

https://www.fcc.gov/Bureaus/Engineering_Technology/Notices/1998/fcc98337.wp

REVISION OF RULES TO ENSURE COMPATIBILITY WITH ENHANCED 911 EMERGENCY CALLING SYSTEMS. Wireless Bureau responds to issues raised by the State of California 9-1-1 Program Manager seeking an emergency declaratory ruling concerning its plans with regard to Phase I of the FCC's rules relating to Enhanced 911 service. Dkt No.: CC- 94-102. Action by Acting Chief, Wireless Telecommunications Bureau. Adopted: December 18, 1998. by Declaratory Ruling. (DA No. 98-2572). WTB Internet URL:

<https://www.fcc.gov/Bureaus/Wireless/Orders/1998/da982572.wp>

ADDENDA: The following items, released December 17, 1998, did not appear in Digest No. 242:

NEWS RELEASES

COMMON CARRIER BUREAU RELEASES STATISTICS ON TELEPHONE-RELATED COMPLAINTS AND CONSUMER TIPS TO AVOID SCAMS. The Common Carrier Bureau released two publications that provide statistics on telephone-related complaints and consumer protection information. News media contacts: Rochelle Cohen at (202) 418-0253 or Kathie Kneff at (202) 418-0700, Industry Analysis Division contact: Craig Stroup (202) 418-0940, Consumer Protection Branch contact: Brian Benison at (202) 418-2800. Report No: CC 98-48. CCB. Internet URL: https://www.fcc.gov/Bureaus/Common_Carrier/News_Releases/1998/nrcc8102.wp

FCC PROPOSES \$2 MILLION FORFEITURE AGAINST LONG DISTANCE DIRECT, INC. FOR APPARENTLY ENGAGING IN SLAMMING AND CRAMMING. The FCC has proposed a \$2 million forfeiture against Long Distance Direct, Inc. for apparently engaging in slamming, the practice of changing a consumer's telephone company without that consumer's express approval, and cramming, the practice of placing a charge on a consumer's telephone bill for a product or service the consumer did not order. News media contact: Rochelle Cohen at (202) 418-0253, Common Carrier Bureau contacts: Colleen Heitkamp at (202) 418-0974 and Darius Withers at (202) 418-7259. Report No: CC 98-47. by NALF. Action by: the Commission. Adopted: December 16, 1998. (FCC No. 98-331) CCB. Internet URL: https://www.fcc.gov/Bureaus/Common_Carrier/News_Releases/1998/nrcc8094.html

FCC PROPOSES \$2.4 MILLION FORFEITURE AGAINST BUSINESS DISCOUNT PLAN, INC. FOR APPARENTLY ENGAGING IN UNFAIR AND UNREASONABLE TELEMARKETING PRACTICES AND SLAMMING. The FCC has proposed a \$2.4 million forfeiture against Business Discount Plan, Inc. for apparently engaging in unfair and unreasonable telemarketing practices and for slamming, the practice of changing a consumer's telephone company without that consumer's express approval. News Media contact: Rochelle Cohen at (202) 418-0253, Common Carrier Bureau contacts: Colleen Heitkamp at (202) 418-0974 and Darius Withers at (202) 418-7259. Report No: CC 98-46. by NALF. Action by: the Commission. Adopted: December 16, 1998. (FCC No. 98-332) CCB. Internet URL: https://www.fcc.gov/Bureaus/Common_Carrier/News_Releases/1998/nrcc8095.html

PUBLIC NOTICES

Released: December 17, 1998. ACCOUNTING SAFEGUARDS DIVISION WILL CLOSE AT 12:00 NOON FRIDAY, DEC. 18, 1998. (DA No. 98-2565). Action by: Chief, Accounting Safeguards Division, Common Carrier Bureau. Internet URL: https://www.fcc.gov/Bureaus/Common_Carrier/Public_Notices/1998/da982565.wp

Released: December 17, 1998. PLEADING CYCLE ESTABLISHED FOR A REQUEST BY J.B.N. TELEPHONE COMPANY, INC. TO ELIMINATE OR INCREASE COMPANY-SPECIFIC CAP UPON UNIVERSAL SERVICE FUND ASSISTANCE. Comments due Jan. 7, 1999; replies due Jan. 21, 1999. Contact: Sumita Mukhoty at (202) 418-7400, TTY (202) 418-0484. (DA No. 98-2556). Dkt No.: CC- 96-45.

Report No: D-1020-A. Released: December 17, 1998. FCC ANNOUNCES GRANT OF MDS AUTHORIZATIONS. Contact for payment information: Regina Dorsey at (202) 418-1995, Mass Media Bureau contact: Charles Dziedzic at (202) 418-1600, Sharon Bertelsen at (202) 418-7057 or Nazifa Naim at (202) 418-7059. Internet URL: https://www.fcc.gov/Bureaus/Mass_Media/Public_Notices/MDS_Notices/md981217.pdf

Released: December 17, 1998. EX PARTE PRESENTATIONS AND POST-REPLY COMMENT PERIOD FILINGS IN PERMIT-BUT-DISCLOSE PROCEEDINGS. Contact: Barbara Lowe at (202) 418-0310. Internet URL: https://www.fcc.gov/Bureaus/Miscellaneous/Public_Notices/Exparte/1998/ex981218.html

Released: December 17, 1998. CORRECTION TO ATTACHMENT A OF PUBLIC NOTICE DA 98-2542 VHF PUBLIC COAST SERVICE AUCTION CLOSES. Down Payments due Dec. 31, 1998, FCC Form 601 due Dec. 31, 1998.

Released: December 17, 1998. FCC OPENS FILING WINDOW FOR COMMERCIAL OPERATOR LICENSE EXAMINATION MANAGERS. Contact: Joy Alford at (202) 418-0694. (DA No. 98-2537). Dkt No.: WT- 98-228. Action by: Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau. Internet URL: https://www.fcc.gov/Bureaus/Wireless/Public_Notices/1998/da982537.wp

TEXTS

LONG DISTANCE DIRECT, INC. The FCC has proposed a \$2 million forfeiture against Long Distance Direct, Inc. for apparently engaging in slamming and cramming. Action by the Commission. Adopted: December 16, 1998. by NALF. (FCC No. 98-331). CCB Internet URL: https://www.fcc.gov/Bureaus/Common_Carrier/Notices/1998/fcc98331.wp

BUSINESS DISCOUNT PLAN, INC. FCC proposed a \$2.4 million forfeiture against Business Discount Plan, Inc. for apparently engaging in unfair and unreasonable telemarketing practices and slamming. Action by the Commission. Adopted: December 16, 1998. by NALF. (FCC No. 98-332). CCB Internet URL: https://www.fcc.gov/Bureaus/Common_Carrier/Orders/1998/fcc98332.wp

NUMBER PORTABILITY QUERY SERVICES. Concluded investigations into the tariff revisions and allowed BellSouth, Frontier, Spring and US West to continue offering on an interim basis their long-term number portability query and database services under the rates and conditions contained in those tariff revisions. Dkt No.: CC-98-199. Action by the Commission. Adopted: December 17, 1998. by Order. (FCC No. 98-339). CCB Internet URL: https://www.fcc.gov/Bureaus/Common_Carrier/Orders/1998/fcc98339.wp

COMCAST CELLULAR COMMUNICATIONS, INC. Denied Comcast's petition for reconsideration of number portability query services order. Dkt No.: CC- 98-14. Action by the Commission. Adopted: December 17, 1998. by MO&O. (FCC No. 98-340). CCB Internet URL: https://www.fcc.gov/Bureaus/Common_Carrier/Orders/1998/fcc98340.wp

FEDERAL-STATE JOINT BOARD ON UNIVERSAL SERVICE. Concluded that the FCC lacks authority to grant GTE's request for an extension of the deadline for filing petitions for reconsideration of the Platform Order, as this is a statutory deadline. Dkt No.: CC- 96-45, CC- 97-160. Action by Deputy Chief, Common Carrier Bureau. Adopted: December 17, 1998. by Order. (DA No. 98-2567). CCB Internet URL: https://www.fcc.gov/Bureaus/Common_Carrier/Orders/1998/da982567.wp